

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

LOVE BROOKS,
Petitioner,
- versus -
UNITED STATES OF AMERICA,
Respondent.

ORDER
94-CR-729

JOHN GLEESON, United States District Judge:

By petition filed March 2, 2012, Love Brooks seeks “redress” for “constitutional grievances pursuant to the First, Fifth, and Ninth Amendments.” Pet. Redress Grievances 1, Mar. 2, 2012, ECF No. 737. Although styled as a *Bivens* suit, Brooks’s petition attacks the merits of the criminal convictions pursuant to which he is currently incarcerated and is therefore properly viewed as a habeas petition. *See* 28 U.S.C. § 2255. Brooks has already collaterally attacked his convictions, *see Brooks v. United States*, No. 99 Civ. 2855 (E.D.N.Y. Dec. 31, 2002), and the instant petition is thus a “successive” petition governed by 28 U.S.C. §§ 2255(h), 2244. Because Brooks lacks the requisite authorization to file a successive petition under these provisions, his petition is transferred to the court of appeals. *See* 28 U.S.C. § 1631; *Liriano v. United States*, 95 F.3d 119, 123 (2d Cir. 1996).

So ordered.

John Gleeson, U.S.D.J.

Dated: March 14, 2012
Brooklyn, New York